IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 633 of 2005

Bharat Ratan Arora
S/o Shri Ram Kumar Arora
R/o 194, Brahmpuri, Haridwar,
PS. Kotwali Haridwar
District Haridwar. Applicant

Versus

1 State of Uttaranchal
2 Krishan Gopal Arora
s/o Shri Ram Kumar Arora
3 Smt Kavita Arora
w/o Shri Krishan Gopal Arora
Both r/o Brahmpuri,Haridwar,
PS Kotwali Haridwar
District Haridwar opposite party

Hon'ble B.C. Kandpal, J

This petition under Section 482 Cr.PC has been filed by the applicant Sri Bharat Ratan Arora for quashing the order dated 1.12.2004 and 23.7.2005 passed by Learned Civil Judge (Jr Division)/ Judicial Magistrate Haridwar as well as 4th FTC/Additional Sessions Judge ,Haridwar in Criminal Case No. 1058 of 2004 Bharat Rattan Vs Krishana Gopal and another.

Brief facts of the case giving rise to the petition are that a complaint was filed by the applicant against opposite party Nos. 2 and 3 under Sections 323 ,504,506, 392 IPC. The complainant got his statement recorded under Section 200 Cr.PC and produced his witnesses for their statements under Section 202 Cr.P.C. The learned Civil Judge (Jr. Division)/Judicial Magistrate Haridwar after having heard the learned counsel for the complainant and perusing the evidence on record was pleased to dismiss the complaint under Section 203 Cr.PC vide order dated 1.12.2004.

The complainant feeling aggrieved by the aforesaid order filed a revision before the court of 4th FTC/Additional Sessions Judge ,Haridwar and the revisional court dismissed the revision vide order/Judgment dated 23.7.2005.

Feeling aggrieved by the aforesaid impugned order dated 23.7.2005, the petition under Section 482 Cr.P.C. has been preferred before this court .

I have heard Sh. Lok Pal Singh, learned counsel for the applicant, learned AGA and perused the record.

Perusal of the order passed by learned court below shows that the complainant could not establish his prime facie case against respondents No.2 and 3. The order passed by both the court below are well discussed orders and the evidence produced before the trial court has been discussed in detail.

I do not find any flagrant injustice caused to the complainant as well as any abuse of process of the court which requires interference by way of exercising inherent power under Section 482 Cr.P.C. I do not find any special feature in the case to say that it would not be expedient and not in the interest of justice to permit the prosecution to continue.

I do not find any force in the application under Section 482 Cr.PC and the same is liable to be dismissed.

Accordingly the application is dismissed in limine.

(B.C. Kandpal,J)

22.9.2005

nbj